



City of Colorado Springs

Regional Development
Center (Hearing Room)
2880 International Circle

Meeting Minutes - Draft Planning Commission

Wednesday, February 12, 2025

9:00 AM

2880 International Cir., 2nd Floor, Hearing Room

1. Call to Order and Roll Call

Present: 9 - Vice Chair Foos, Commissioner Hensler, Commissioner Cecil, Commissioner Rickett, Chair Slattery, Commissioner Robbins, Commissioner Sipilovic, Commissioner Casey and Commissioner Gigiano

2. Changes to Agenda/Postponements

3. Communications

Andrea Slattery - Planning Commission Chair

Kevin Walker - Planning Director

Kevin Walker, City Planning Director said the Rock Creek Annexation and Uintah Townhomes were approved at City Council on February 11, 2025. Mr. Walker said previous to that the Karman Line Annexation was approved, and they continue to work on items such as ADU and AnnexCOS.

4. Approval of the Minutes

4.A. [CPC 2562](#) Minutes for the January 8, 2025 Planning Commission Meeting

Presenter:

Andrea Slattery, City Planning Commission Chair

Attachments: [CPC Minutes 1.8.25 Draft](#)

Motion by Commissioner Rickett, seconded by Commissioner Robbins, to approve the minutes for the January 8, 2025, Planning Commission Meeting. The motion passed by a vote of 9-0.

Aye: 9 - Vice Chair Foos, Commissioner Hensler, Commissioner Cecil, Commissioner Rickett, Chair Slattery, Commissioner Robbins, Commissioner Sipilovic, Commissioner Casey and Commissioner Gigiano

5. Consent Calendar

Motion by Commissioner Rickett, seconded by Commissioner Robbins, to approve the Consent Calendar The motion passed by a vote of 9-0.

Aye: 9 - Vice Chair Foos, Commissioner Hensler, Commissioner Cecil, Commissioner Rickett, Chair Slattery, Commissioner Robbins, Commissioner Sipilovic, Commissioner Casey and Commissioner Gigiano

Cottages at Spring Creek

- 5.A.** [PDZZ-24-000](#)
[4](#) An Ordinance amending the zoning map of the City of Colorado Springs pertaining to 16.71 acres located northeast of the South Union Boulevard and South Circle Drive intersection from PDZ (Planned Development Zone; Single-Family Residential; maximum density of 5.37 dwelling units per acre; maximum building height of thirty (30) feet) District to PDZ (Planned Development Zone; Residential; maximum density of twelve (12) units per acre; maximum building height of thirty (30) feet) District.
(Quasi-judicial) (1st Reading only to set the public hearing date for March 25, 2025)

Presenter:

Allison Stocker, Planner II, City Planning Department

Kevin Walker, Planning Director, City Planning Department

Attachments: [ZC Ordinance Cottages at Spring Creek](#)

[Exhibit A LegalDescriptor](#)

[Exhibit B Zone Change](#)

[Cottages Spring Creek CPC Staff Report Revised 20250213](#)

[Exhibit 2 Land Use Plan](#)

[Exhibit 3 Public Comments](#)

[Exhibit 4 Traffic Impact Study](#)

[Exhibit 5 Ordinance 06-09](#)

[Exhibit 6 Project Statement](#)

[7.5.704 ZONING MAP AMENDMENT \(REZONING\)](#)

[Staff Cottages Spring Creek CC 1st Presentation 20250214](#)

[Cottages Spring Creek CPC Staff Report 20250212](#)

[MeetingMinutes Cottages at Spring Creek 2025.02.12](#)

This Ordinance was referred on the Consent Calendar to the City Council.

- 5.B.** [LUPL-24-001](#)
[4](#) Establishment of the Cottages at Spring Creek Land Use Plan for proposed residential development consisting of 16.71 acres located at the intersection of S Union Boulevard. and S Circle Drive.
(Quasi-judicial) (2nd Reading and Public Hearing)

Related Files: N/A

Located in Council District 4

Presenter:

Allison Stocker, Planner II, City Planning Department

Kevin Walker, Planning Director, City Planning Department

Attachments: [7.5.514 LAND USE PLAN](#)

This Planning Case was referred on the Consent Calendar to the City Council.

Centerpoint Apartments

- 5.C.** [CUDP-24-00](#)
[22](#) A Conditional Use to allow a Multi-Family Dwelling land use in the MX-N (Mixed-Use Neighborhood Scale) zone district located at 1015 East Pikes Peak Avenue. (Quasi-Judicial)

Presenter:

William Gray, Senior Planner, City Planning

Attachments: [Staff Report_Centerpoint Apts](#)

[Attachment 1-Vicinity Map](#)

[Attachment 2-Subdivision](#)

[Attachment 3-Ordinance No 83-37](#)

[Attachment 4-Zoning Map](#)

[Attachment 5-Context Map](#)

[Attachment 6-Public Comment](#)

[Attachment 7-Conditional Use Project Statement](#)

[Attachment 8-Conditional Use Land Use Statement](#)

[Attachment 9-DVSA Project Statement](#)

[Attachment 10-Site Plan](#)

[Attachment 11-Building Massing Illustration](#)

[Mineral Estates Affidavit](#)

[7.5.601 CONDITIONAL USE](#)

This Planning Case was approved on the Consent Calendar

- 5.D.** [DVSA-24-00](#)
[10](#) A Development Standards Adjustment to City Code Section 7.3.301.A to allow a 23-unit, Multi-Family Dwelling when the use is limited to no more than ten (10) units in a single structure, and the compensating benefit being affordable housing, located at 1015 East Pikes Peak Avenue. (Quasi-Judicial)

Presenter:

William Gray, Senior Planner, City Planning

Attachments: [7.3.301 RESIDENTIAL USES](#)
[7.5.525 DEVELOPMENT STANDARDS ADJUSTMENT](#)

6. Items Called Off Consent Calendar

7. Unfinished Business

8. New Business

7050 Commerce Center

- 8.A. [DVSA-24-0009](#) A Development Standards Adjustment to City Code Section 7.4.201.C and to provide a 10' front parking setback where a 20' front parking setback is required in the MX-M (Mixed-Use Medium Scale) zone district located at 7050 Commerce Center Drive.

Presenter:

Logan Hubble, Planner II, Planning Department

Attachments: [7050 Commerce Center Staff Report_final](#)
[Attachment 1 Project Statement](#)
[Attachment 2 Site Plan](#)
[Attachment 3 Architectural Renderings](#)
[7.4.201 GENERAL DIMENSIONAL STANDARDS](#)
[7.5.525 DEVELOPMENT STANDARDS ADJUSTMENT](#)

Logan Hubble, Planner II, presented the application for 7050 Commerce Center. The project is located at 7050 Commerce Center on the northwest corner of East Woodmen Road and Commerce Center Drive on 1.4 acres. Mr. Hubble said the use will be general and medical office use and it is a development standards adjustment to allows a 10-foot front parking setback where 20 feet is required. Mr. Logan presented architectural renderings of the project. Standard public notice was done, and no comments were received. There were minimal agency review comments, from Streamside and Hillside Overlay. The project complies with PlanCOS, and staff finds the application meets the review criteria.

Commissioner Questions

Commissioner Rickett asked if all the other properties in the area meeting the 20-foot setback. Mr. Hubble said he looked along Commerce Center Drive and many of them did not, however the setback requirement did not exist prior to the UDC.

Applicant Presentation

Ann Odom, Planner, NES, presented the application for 7050 Commerce

Center Drive. Ms. Odom said the site is narrow and an odd shape but has been marketed for a number of years and just ultimately never developed. She said with the new UDC, the parking added a new unexpected constraint to the site. She said the surrounding areas are largely developed and the surrounding zones are MX-M properties. Ms. Odom presented their site plan and review criteria. She said the intent of the parking setback in the new UDC is for curb appeal and ensuring that new development provides a quality streetscape, and the proposed design achieves that. Ms. Odom said they are proposing three different building materials and a façade articulation. She said the proposal meets the Streamside and Hillside Overlays. Ms. Odom said the area was developed in the PBC zone, prior to the 20-foot parking setback requirement.

Commissioner Comments

Commissioner Rickett said he does not see any retaining walls in the parking area and asked if the parking lot could be pushed to create the 20-foot buffer. Ms. Odom said there are retaining walls along the full span of the parking lot and the Hillside overlay requires a max size of four feet. She said in order to make the grading work the access was pushed west. Commissioner Rickett said he pulled this off consent because he did not know what the adjacent properties had, and he is in support of the project.

Commissioner Hensler said she agrees and is in favor and asked what the setback is to the building. Ms. Odom said it is 25 feet. Commissioner Hensler said it will be consistent with the neighboring properties.

Commissioner Robbins said he is familiar with the area and said this is a good plan and is in favor of the plan.

Public Comment

Arland Esi (did not sign in, unable to verify spelling) resident of the community asked where the entrance will come in due to traffic concerns. Chair Slattery said there is a formal process, and they can express concerns about it and the Commission will take it into consideration for the review of the application. Mr. Esi said he likes the project and was just concerned about traffic flow.

Commissioner Questions

Chair Slattery asked if a traffic study was required as a part of the application. Mr. Hubble said no, although the development plan which is not complete calls for a right in right out.

Commissioner Rickett asked if there will be a median to not allow left turns. Mr. Logan said the applicant is proposing a median and traffic said they would make it so the drive lanes were not wide enough, and it will force people to only turn right in or right out. Commissioner Rickett said he is going to ask the developer

why the entry down to the handicapped parking. Ms. Odom said the proposed access would align with the gas station access and due to the retaining wall access caused the right in and right out. She said they are still in the development plan review process and access is something they are looking to explore. Commissioner Rickett asked if they will work with City Traffic to resolve the issue. Ms. Odom said yes.

Commissioner Hensler said she would rather prioritize the Streamside Overlay than an entrance for parking.

Motion by Commissioner Rickett, seconded by Commissioner Casey, to Approve the Development Standards Adjustment to City Code Section 7.4.201 allowing for the establishment of a 10' front parking setback where a 20' front parking setback in the MX-M (Mixed-Use Medium Scale) is required based upon the findings that the request complies with the criteria as set forth in City Code Section 7.5.525. The motion passed by a vote of 9:0:0

Aye: 9 - Vice Chair Foos, Commissioner Hensler, Commissioner Cecil, Commissioner Rickett, Chair Slattery, Commissioner Robbins, Commissioner Sipilovic, Commissioner Casey and Commissioner Gigiano

DeLago Subdivision

- 8.B. [NVAR-24-00](#) A Non-Use Variance to City Code Section 7.4.302.E.5 to allow a
[18](#) twelve (12) foot access width for the stem portion of the proposed flag lot where twenty-five (25) feet are required located, at 1609 W. Kiowa Street (Quasi-Judicial).

Presenter:

Johnny Malpica, Planner II, Planning Department

Attachments: [Delago Subdivision - Nonuse Variances - Staff Report_JPM](#)

[Attachment 1 - Project Statements](#)

[Attachment 2 - Site Plan](#)

[Attachment 3 - Public Comments](#)

[7.4.302 DESIGN STANDARDS](#)

[7.5.526 NON-USE VARIANCE](#)

Johnny Malpica, Senior Planner, presented the application for DeLago Subdivision non-use variance, located at 1609 W. Kiowas Street. Mr. Malpica said the property is zoned R2 for two family residential on an 11,234 square foot lot. The project proposal is to create two lots on the property and allow a 12-foot access width where 25 feet are required to serve the nearly created lot in the rear. The other request is to allow a 0.9-foot side yard setback where five feet are required along the western portion of the newly subdivided lot's 12-foot access area. Standard public notice was done four comments were received

via email in opposition citing concerns with additional density, parking, drainage, runoff and the effect on the existing neighborhood context. City agency review was done, and no comments were received. Mr. Malpica said the application complies with PlanCOS and staff finds it meets the review criteria.

Commissioner Questions

Commissioner Rickett said this site could alter the West Side neighborhood and an R2 only requires 7,000 square feet is needed to split the lot. Commissioner Rickett said his concern is that it may modify what the west side looks like. Mr. Malpica said the surrounding context, but it is not allowing it to set a precedence for other applications that are received. He said yes, most of the lots are 7,500 and could be split, however this is the only lot larger than 11,000 square feet. This application allows both sides to have sufficient access. Commissioner Rickett said they are looking at one block face and the application does set a precedence and any of the 7,500 square foot lots can do a scrape and build and can alter the character of the west side.

Chair Slattery asked to hear from the applicant.

Applicant Presentation

Charles Farrell presented the application on behalf of the owner and is the applicant. Mr. Farrell said they have addressed all the comments, and the civil engineer is finalizing items with Stormwater. He said the plan is in line with PlanCOS. He showed maps showing the adjacent properties. Mr. Farrell said they met with Planning in 2023 to look at various options on splitting the property and showed an example of what the final plat would look like. He said the goal was to lessen the impact of driveway space and lot standards. Mr. Farrell said the one-foot set back is for a bay window. He said the lot could be sold off or there is a potential for future development, but they would be subject to the codes and regulations within the standards.

Commissioner Questions

Commissioner Hensler asked if the driveway is 18 feet not counting the bay window. Mr., Farrell said yes.

Commissioner Cecil said the construction of a second building on the rear of the lot was approved in 2021 without subdividing and asked if there is an update or plans on how the two items intersect. Mr. Farrell said he is familiar with that and said there was a design for a small ADU. Mr. Farrell said the architectural design may be utilized but may not follow the same plan as it is over three years old and asked if the owner was available virtually. Commissioner Cecil said she brought this up because the building was approved with a five-foot setback.

Commissioner Hensler said the application is for a non-use variance for

setbacks and the driveway and they do not have the purview of what is going to be added to the back lot. Chair Slattery said it could inform people's opinion of what will happen with the lot. The purview is the criteria of approving the non-use variance and establishing the flag lot.

Public Comment

NONE

Commissioner Comments

Chair Slattery said a variety of things within code could be built on the lot.

Mr. Malpica said before the Commission today is subdivision application with two non-use variances. Regarding the criteria, what should be considered is what can be built there, and the newly created lot would be subject to the requirements in the R2 zone districts. The current proposal shows no construction on the rear lot.

Chair Slattery said this could be a positive benefit to the neighbor and it does not create a catalyst to scrape and build and it is a good proposal while leaving things open to gentle density. Chair Slattery said she is in support of the project.

Commissioner Rickett said the code should prevail and the codes are there for a reason. Commissioner Rickett said they do not know what is going on the front and back lots and they should consider what the potential developments are.

Vice Chair Foos said he appreciates Commissioner Rickett's comments about the bigger picture, but he is focused on what is being presented today. Vice Chair Foos said he does not see any adverse scenarios and does not see it with this application and is in full support of it.

Commissioner Hensler said she concurs, and the application is a responsible use of the area. The adjacent lots have denser utilization of their lots. Commissioner Hensler said they have to address what is being asked today and is in favor of the application.

Commissioner Rickett said they do not know if another home is going on it. Commissioner Hensler said they do not know if they can sell it. Commissioner Rickett said they are making an assumption that a home is going on there to improve the property and said code should prevail since there is not a development plan.

Chair Slattery asked Mr. Farrell if they looked at splitting the lot on the other side

where the new driveway will be and is there a possibility of splitting the lot with a 25-foot access on the west side. Mr. Farrell said they looked at configurations, but it would require a subdivision waiver, and they would be here today since the lot is under 75 feet and they would need a lot-width variance. He said the thought is to utilize the existing driveway and lessen the impact on the neighborhood.

Chair Slattery asked Mr. Malpica if this was an exploration in the process. Mr. Malpica said he was not the original planner on this. Mr. Malpica said they are trying to provide vehicular access for both lots along West Kiowa because the alley in the rear is deficient. He said the way the code defines a public street, which they are required to provide access to, they could consider the alley to be a public street because of the dedicated right of way. However, in this instance, by providing a newly created access along West Kiowa, it maintains a 30-foot distance from the existing access, which is an existing condition, and it will better serve the rear lot providing vehicle access. He said it also five feet off the neighboring lot, which is a city engineer requirement. Mr. Malpica said this is the most thoughtful way of reconfiguring this lot. Mr. Malpica corrected the minimum lot which is 50 feet and both lots will be over 5,000 feet which is the minimum lot size for the lot.

Commissioner Cecil asked at what point would Stormwater regulations be triggered. Mr. Malpica said in regard to single family development and this application, SWENT will decide what is required. Commissioner Cecil asked if that is during the building permit. Mr. Malpica said it is during the building permit process. Gabe Sevigny, Planner Supervisor, said for Stormwater if there is a land disturbance of an acre or more is when it is triggered during the final drainage report for single family dwellings. They would be responsible to make sure that any of those flows continue at a historic rate. Commissioner Cecil asked if there is a maximum impermeable area for single family lots. Mr. Sevigny said there are lot-coverages in single-family homes that would be enforced at time of building permit. Commissioner Cecil said it is counterintuitive to consider a non-use variance for the first criteria as it does not conflict with use-specific standards. Commissioner Cecil said she does not mind the potential uses however, she is concerned about providing off-street parking for the lots and this should move forward.

Commissioner Robbins said he appreciates how the owner has worked diligently to try and cover all bases to get the best product. Commissioner Robbins said if it meets criteria, and it is his personal property. Commissioner Robbins said with ADU's they are going to see change all over the City and it is a good project and said they should move forward on it.

Motion by Commissioner Hensler, seconded by Vice Chair Foos, to Approve the Non-Use Variance to City Code Section 7.4.302.E.5 allowing for a twelve

(12) foot access width for the stem portion of the proposed flag lot based upon the findings that the request complies with the criteria as set forth in City Code Section 7.5.526.E

The motion passed by a vote of 7:2:0:0

Aye: 7 - Vice Chair Foos, Commissioner Hensler, Commissioner Cecil, Chair Slattery, Commissioner Robbins, Commissioner Sipilovic and Commissioner Casey

No: 2 - Commissioner Rickett and Commissioner Gigiano

- 8.C. [NVAR-24-0019](#) A Non-Use Variance to City Code Section 7.2.205.B (Table 2.2.-E) to allow a (0.9) foot side setback where five (5) feet are required, located at 1609 W. Kiowa Street (Quasi-Judicial).

Presenter:

Johnny Malpica, Planner II, Planning Department

Attachments: [7.5.526 NON-USE VARIANCE](#)

Motion by Commissioner Hensler, seconded by Vice Chair Foos, to Approve the Non-Use Variance to City Code Section 7.2.205.B (Table 2.2.-E) to allow a (0.9) foot side setback based upon the findings that the request complies with the criteria as set forth in City Code Section 7.5.526.E

The motion passed by a vote of 7:2:0:0

Aye: 7 - Vice Chair Foos, Commissioner Hensler, Commissioner Cecil, Chair Slattery, Commissioner Robbins, Commissioner Sipilovic and Commissioner Casey

No: 2 - Commissioner Rickett and Commissioner Gigiano

Short Term Rental Appeal

- 8.D. [APPL-25-0002](#) An appeal of the administrative denial of the Short-Term Rental permit application for 5539 Cody Mesa Court. (Quasi-Judicial)

Presenter:

Carli Hiben, Program Administrator, City Planning Department

Attachments: [5539 Cody Mesa Ct Appeal Staff Report](#)

[Attachment No. 1- Code Enforcement Case ENF23-00375](#)

[Attachment No. 2- Demand Letter](#)

[Attachment No. 3- HOA Affidavit](#)

[Attachment No. 4- Code Enforcement Case ENF24-09310](#)

[Attachment No. 5- STR Application Submittal Documents](#)

[Attachment No. 6- Permit Denial](#)

[Attachment No. 7- Appeal Submittal Form](#)

[Attachment No. 8- Appeal Statement and Associated Documents](#)

Commissioner Robbins recused himself as he is familiar with one of the parties involved and may have future business.

Carli Hiben, Program Administrator II, presented the appeal of a short-term rental application located at 5539 Cody Mesa Court. This is a single family home zoned PDZ and the site area is 8,644 square feet. Ms. Hiben said this is a request to appeal the administrative denial of an owner occupied short-term rental permit application. The renewal application was denied by staff on January 10th, 2025. Ms. Hiben provided background information on short-term rentals and the ordinances that have been passed. The ordinance that is in discussion today is the non-owner occupied versus owner occupied ordinance that was adopted and went into effect December of 2019. Ms. Hiben said this defines owner occupied requires the property owner to live there 185 days out of the year. It also established a 500-foot buffer between non-owner occupied short-term rentals and non-owner occupied short-term rentals are no longer permitted in single-family zone districts. Ms. Hiben provided a timeline of the short-term rental permit and various code enforcement complaints. On January 2, 2025, the property owner submitted a late renewal application and staff denied the application based on the late renewal as well as complaints received by the HOA. Ms. Hiben said the short-term rental permit is valid for one year from the date of issuance and because they submitted a late renewal for the second year in a row, that was also attributed to the denial from staff.

Applicant Presentation

Estifanos Dagne residents of 5539 Cody Mesa Court said they have two homes that they live in six months at a time. When the rental is being used they stay at their primary residence. Mr. Dagne said they have not received any complaints from the neighbors or their property managers.

Chair Slattery said the issue is that they cannot have two primary residences and asked when they reside at the residence on Cody mesa Court. Mr. Dagne said that it is his primary residence and when it is rented, they stay at their second home. He said all his documents have the Cody Mesa address listed. Mr. Dagne said he travels a lot and that is why the neighbors do not see him. Chair Slattery asked if he slept there. Mr. Dagne said yes and can provide the doorbell camera footage. Chair Slattery said that they can go through staff if the other Commissioners would like to see it.

Rahel Estifanos spoke on the application. Ms. Estifanos said they built the house in 2021 and moved it. She said they lost their daughter in a tragedy. She said they came to the neighborhood during their grief and were being comforted by friends and family and while that was happening the neighbors were irritated. Ms. Estifanos said a neighbor confronted them and asked how long they were going to continue to have people come over. She said she apologized

and said not much longer. Ms. Estifanos said the neighbor expressed concerns about the noise and stated that it was a quiet neighborhood. Ms. Estifanos said they started to remodel the house so they could continue to live there prior to establishing the short-term rental. She said they have a large parking lot. Ms. Estifanos said they told the neighbors about any guests that visited them. She said they hired a property manager to help them establish the house as a short-term rental. Ms. Estifanos said she asked the property manager to let them know if they see anything suspicious going on while they are not at the house. She said they did not receive any complaints and they have a doorbell camera and they did not see anything. She said they travel, but they live at the house.

Ms. Estifanos asked the property manager to speak. Lloyd Hause, owner of Nestago Property Management said they have been in business since 2017 and manage 60 properties. Mr. Hause said they use property management software, and the permit is allowed for 180 days. He provided a spreadsheet of the reservations from January 2024 through January 2025. Mr. Hause said his staff has received little to no complaints other than a trash can not being brought up and one time where someone parked on the street. He said it is not a party home and said the rules are stated prior to booking the property and via email and text messages.

Chair Slattery asked how they manage the transition of the owner moving and the tenants. Mr. Hause said they have access to the portal, so they know when it is open and then they typically clean the house themselves and get the property ready for the next guest. He said they handle the reservations, but he does not track when the owners stay there. Chair Slattery asked if he manages other short-term rentals that are owner occupied and do the owners stay for a six-month period all at once or do they move in and out. Mr. Hause said it is owner specific, and they need to reside there 185 days. He said he has other owners that stay short term. Chair Slattery said occupying and having access to occupy are different per the code.

Vice Chair Foos said in looking at the log asked if it is typical for people to rent out for a month at a time. Mr. Hause said yes, that is normal.

Chair Slattery asked if those are subject to short-term rental rules and taxes. Ms. Hiben said after 30 days and up it is not considered short-term. She said they could do long-term or mid-term rentals which is 30 days at a time and no permit would be required and they would not be required to live there. Mr. Hause said they have several properties that do that.

Commissioner Casey said the definition of owner occupied according to the code is a property is actually occupied by the property's owner for no less than

185 days a year. Commission Casey said the absence of a reservation shows that it is being occupied.

Commissioner Rickett asked for staff to expand on short-term rental versus long-term rental. Ms. Hiben said a permit is required if you want to rent your property for less than 30 days. For owner-occupied or non-owner occupied, they have to provide specific documents to receive that permit. Ms. Hiben said if an owner wants to rent a property for 30 days or more a permit is not required, and they are not required to live there. Commissioner Rickett said their application was late and asked if they could do a new application. Ms. Hiben said yes as long as they meet all the review criteria, however this one was denied based on it being late and because of the letters receive from the HOA attorney.

Public Comment

John Henninger, President of Austin Heights HOA spoke in opposition of the application. Mr. Henninger said the permit should be denied due to the applicants not living there. Mr. Henninger said he nor the neighbors have seen them living there. He said the Austin Heights HOA is a single-family residence neighborhood however, they have to support businesses in a home in accordance with the city. Mr. Henninger said the applicants failed to get permission from the HOA to modify the exterior of their home. He said there was not a permit granted from the Regional Building Department for construction on the interior of their home and a stop work order was in place until a permit was issued. Mr. Henniger said after the remodel was done, they were occupying the house, and they were running a side business at the property. He said it was a Medi-cab taxi business, and they were parking four to five of the cars in the driveway.

Virgina Phillips, homeowner in the area spoke in opposition to the application. Ms. Phillips said they have had things stolen from their property, people on their property feeding deer, excessive noise, trash thrown on their property and major police responses. Ms. Phillips said they have had issues with no police response leaving them feeling unsafe. She said 5539 Cody Mesa is not the primary residence of the applicant as he does not live there, and code enforcement has been unable to find them at home. Mr. Phillips said the IRS states the most important factor to a primary residence is where you spend the most time. She said their main car is not at the property. Ms. Phillips said he is listed as the homeowner of 6360 Shooting Iron Way which was purchased in May 2018. She said it does not make sense why somebody would live six months on Cody Mesa and six months on Shooting Iron way, a few miles away. Ms. Phillips said she would like to have Mr. Dagne investigated for mortgage fraud, tax fraud, insurance fraud, and maybe perjury. She said according to the County Assessor's records, he cannot have two primary residences. Ms.

Phillips listed the issues with homeowners insurance with short-term rentals versus primary residences.

Randy Hartman, resident of the area, spoke in opposition to the application. Mr. Hartman said if Mr. Dagne lived there 185 days some of that would need to be in the wintertime and they never shovel the sidewalks, and no one is there. Mr. Hartman said there is noise at 2:30am in the summertime and can hear parties and the excessive cars are a nuisance. He said he and his wife do not feel safe. Mr. Hartman said it is a party house, not a rental house.

Deborah Kelly, spoke in opposition to the application. Ms. Kelly said she had a meeting with Mr. and Ms. Dagne on June 16th, 2022, and they said they would never live on the property because of the family tragedy that occurred. Ms. Kelly said the application requirements under the owner-applicant responsibilities says should it become a nuisance, hazard or recently interfere with quiet enjoyment of others on people's premises. She said both Mr. Henninger and Mr. Hartman stated there have been problems with loud noises, parties, vehicles being parked in the small cul-de-sac blocking sidewalks and the neighborhoods access to getting out of the cul-de-sac. Ms. Kelly said people have appeared to be intoxicated and entering neighbors yards and driveways and the police have been called to the property several times. Ms. Kelly said people's personal property policy increases have been taken to cover liability should any of the guests get injured on any of the other surrounding properties, including properties within the association. She said residents have purchased and posted signs of property private property to keep guests from trespassing onto other residents.

Jonah Hunt, Legal Counsel for the Austin Heights Homeowners Association spoke in opposition of the application. Mr. Hunt said the appellants have not explained or proven how the administrative decision that has already been made is contrary to the expressed language of the UDC, erroneous or clearly contrary to law. Mr. Hunt said it is the applicant's burden to meet those criteria, and they have not. He said the applicant's use has become a nuisance for all the reasons that have already been heard like loud parties, absentee ownership, etc.. Mr. Hunt said when a property becomes a nuisance, it is mandated under the code that the license be revoked or in this case non renewed or turned on appeal. He said this should not be a close call for the City and that the commission members themselves have already recognized, there may be a misunderstanding that the applicant believes that access to this property for 185 days meets the requirement under the code that they actually live there. Mr. Hunt said there is no evidence that they lived there for 185 days. He said he does not know of any owner occupants who need a property manager and if they are there for half the year or more, they shouldn't need someone to manage the property for them.

Phil Benton, Community Manager, HOA Management Company, spoke in opposition of the application. Mr. Benton said there are other Airbnbs in the area that have not been an issue whatsoever. He said he is not in the community on a regular basis, but I do come through so I can see every violation, but I can attest to many phone calls from many homeowners of disturbance and encroachment of peaceful use of their private property as well from large amounts of vehicles. Mr. Benton said the cul-de-sac does not have adequate parking. He said he has had multiple calls of people running through the back and front yards, noise in the middle of the night. Mr. Benton said there has been a lot of disturbance that it disturbs other homeowners peaceful use by this being some form of business in the community.

Sandra Kruger, resident of the neighborhood spoke in opposition to the application. Ms. Kruger said she was a licensed insurance agent for many years and owned an insurance agency. She said she has never seen a policy issued for the way the applicants have described. Ms. Kruger said you either had to live in the house as your own personal residence or it is a rental property. She said most of the residents in the association are retirees and have worked their whole our life to buy our homes and live peaceably. Mr. Kruger said she never expected to have an Airbnb below her where there are parties and can see beer cans and the cigarette butts all over the place and is appalled by it.

Larry Kruger, resident of the area spoke in opposition to the application. Mr. Kruger said there are disturbance is and the summertime and has been woken up in the middle of the night numerous times by noise. Mr. Kruger said based on the disturbance factor and that they have not complied with the regulations that the petition should be denied.

Tim Kaiser, a resident of the area spoke in opposition to the application. Mr. Kaiser said he was thrown under the bus earlier and he met with Estifanos and Rahel when they first came to the neighborhood. Mr. Kaiser said they welcomed them to the neighborhood. He said when the applicants came back after the tragic occurrence in their life they comforted them. Mr. Kaiser said he met Estifanos at a coffee shop and had a cordial meeting and was able to accomplish some things and Estifanos gave Mr. Kaiser his phone number to contact him with any issues. Mr. Kaiser said it is not his job to police the area and it has been a roller coaster for three years. He said some guests are wonderful and some are the opposite. He said there have been up to 15 cars parked in the cul-de-sac. Mr. Kaiser said this is a neighborhood of people that care about each other but want to help each other. He said the mailman has questioned what goes on at 5539 Cody Mesa Court.

Applicant Rebuttal

Ms. Estifanos apologized to the neighborhood and the respect the neighborhood. Ms. Estifanos said they never take up parking spots as they have their own parking spaces. She said another neighbor rents their home as well. Ms. Estifanos said there are strict rules about noises, and they have cameras at the house and if something were to happen they would be notified. She said she did not receive a call about the noise from Mr. Kaiser. She said most of the neighbors live up the hill and live far away and only two neighbors could hear anything.

Commissioner Comments

Commissioner Cecil said the HOA related issues and mortgage rates are not the purview of the Planning Commission and will not be taken into consideration. Commissioner Cecil said she did not find any evidence about the enforcement case and police reports and asked if staff could explain it. Ms. Hiben said that it was from the code enforcement officer who inspected the property, and they are able to see the police reports and calls. Staff does not have access to those reports. Commissioner Cecil said the attached reports stated they would refer the neighbors to Fire and Police should there be a disturbance and a CAD search was done and found there were no calls for service. Ms. Hiben said that was the information given verbally. Commissioner Cecil said code enforcement did a premise history search and found a limited number of police related calls and the lack of specificity is concerning. Ms. Hiben said the permit was not denied based on calls to the police department it was noted on their case. It was denied based on the late renewal, HOA affidavit and HOA letter from the attorney. Commissioner Cecil asked if the renewal application would have been submitted on time would the permit be renewed. Ms. Hiben said staff would have reviewed it further and staff met with the City Attorney's Office about the next steps. Ms. Hiben said based on the complaints received, the letters from the attorney and the H.O.A. affidavit, it probably would have been denied regardless of the application being late. Commissioner Cecil said based on the enforcement information that was provided, should an appeal have been filed solely on that before the commission, she would have requested documentation of the complaints, photos dates times or a police report. Commissioner Cecil asked if there had been no complaints filed, would the lateness of the application be grounds to be unilaterally denied. Ms. Hiben said they would have been advised to apply for a new application as their current permit expired. Commissioner Cecil said the staff report states that two forms of ID are required to prove residency and were provided, but that other material submitted was not relevant and asked if that impacted the review of the application. Ms. Hiben said no, that was submitted with the appeal and if it would have been submitted with the application, it would have been disregarded as it. Commissioner Cecil said she is a little uncomfortable with the lack of specificity of the complaints and needs to find facts and a single affidavit may hold up but is not the best corroboration for the reports that were complained about today.

Commissioner Cecil said she does not think renewal of this exact permit is necessarily the right course and does not think denying a future application for this property is necessarily the right course either. Commissioner Cecil said the application was late and the reason for denial is based solely on the late application.

Commissioner Hensler asked if the HOA or neighborhood complaints be grounds enough to not renew the application. Ms. Hiben said yes, but they have not had this happen before and this is the first denial of a renewal application relating to complaints from the HOA and it is also the first appeal with this type of situation. Ms. Hiben said they would follow the same process even if it were on time. Commissioner Hensler said she agrees with Commissioner Cecil's comments around the lack of police reports or corroborated information and evidence of those events. Commissioner Hensler asked if the lateness alone would have been the justification to not renew and have them submit a new application which they could not because they are grandfathered in the single-family zone. Ms. Hiben said they are not grandfathered in because they had an owner-occupied permit and owner-occupied permits are permitted in single-family zones. Commissioner Hensler asked if they could apply for a new permit as opposed to appeal this one. Ms. Hiben said yes. Commissioner Hensler asked what is the process from staff to ascertain the number of days someone is residing in the home. Ms. Hiben said they do not require logs for when they are living there versus renting and they do not have access to the Airbnb or VRBO hosting sites data. She said the only form of verification for the 185 days would be signed and notarized affidavit where they are signing on a perjury that they do live on the property for a minimum of 185 days out of the year.

Commissioner Rickett asked the application why their application was late. Ms. Estifanos said they do not rent very much in the winter, and they have a busy life, which is why they have a management property. Mr. Dagne said he was notified by the management company notified them it was already late. Commissioner Rickett asked if they file federal tax returns. Mr. Dagne said yes. Commissioner Rickett asked if they understand the definition of primary house on a federal tax return. Mr. Dagne said he was not sure. Commissioner Rickett asked if this address is on their federal tax return. Mr. Dagne said yes.

Vice Chair Foos said all they have to go on is the fact that the application was late and there is no proof that they actually live there and will be upholding the decision to deny the appeal.

Commissioner Gigiano said she concurs with Vice Chair Foos regarding the proof of living there.

Commissioner Sipilovic said there is documentation provided that points to Cody Mesa Court being a primary residence, however, because it was denied because it was late, he will be upholding the denial and possibly recommending to request a new permit.

Commissioner Rickett said in case it is appealed he agrees.

Commissioner Casey said the definition specifically says the owner must occupy for at least 185 days per year and in looking at the log of rentals, there are times where there was one day between rentals and finds it hard to believe that someone would move back in their home for a day. Commissioner Casey said even without the complaints of the other issues that are brought he does not see this being occupied 185 day and is going to recommend to deny the appeal.

Chair Slattery said she agrees with Commissioner Casey and said there is no evidence that they are living there. Chair Slattery said she will be voting to uphold the appeal.

Motion by Commissioner Rickett, seconded by Commissioner Casey, to Deny the appeal and affirm the administrative denial of the Short Term Rental application, based on UDC 7.5.510(C), UDC 7.3.301(C), and that the appellant has not substantiated that the appeal satisfies the review criteria outlined in City Code Section 7.5.415.A(2). The motion passed by a vote of 8:0:0:1

Aye: 8 - Vice Chair Foos, Commissioner Hensler, Commissioner Cecil, Commissioner Rickett, Chair Slattery, Commissioner Sipilovic, Commissioner Casey and Commissioner Gigiano

Recused: 1 - Commissioner Robbins

Southern Colorado Rail Park

- 8.E. [ANEX-24-0013](#) An Ordinance annexing the area known as Southern Colorado Rail Park Addition No. 1 located south and west of Highway 25 and South Santa Fe intersection, adjacent to Fort Carson consisting of 3,107.11 acres.
(Legislative)

Related Files: ANEX-24-0013RF, PDZZ-24-0005, PDZL-24-0006

Not currently located within a Council District, however, if approved it would be anticipated to be within Council District 3.

Presenter:

Gabe Sevigny, Planning Supervisor, City Planning Department

Attachments: [Ordinance - Annexation Southern Colorado Rail Park Addition No. 1](#)
[Exhibit A - Legal Description and Plat - Final](#)
[DRAFT Annexation Agreement V1 PostCAO 1-15-2024.docx](#)
[Staff Report SCRP](#)
[Attachment 1 - SCRP - Project Statement](#)
[Attachment 2 - SCRP - City Annexations by Decade](#)
[Attachment 3 - SCRP - Enterprise Zone Map](#)
[Attachment 4 - SCRP - Contiguous Boundary Exhibit](#)
[Attachment 5 - SCRP - Annexation Plat - Draft](#)
[Attachment 6 - SCRP - Legal Description - Draft](#)
[Attachment 7 - SCRP - Exhibit A&B - Zone Establishment - Draft](#)
[Attachment 8 - SCRP - Land Use Plan - Draft](#)
[Attachment 9 - SCRP - Vicinity Map](#)
[Southern CO Rail Park EZ Location Letter & Map.pdf](#)
[SCRP - Petition for Annexation.pdf](#)
[COS SCRP Fiscal Impact Analysis](#)
[COS SCRP Appendix LOS](#)
[7.5.701 ANNEXATION OF LAND](#)

Gabe Sevigny, Planning Supervisor presented the application for Southern Colorado Rail Park located at adjacent to Fort Carson with the current zoning in incorporated El Paso County. Mr. Sevigny said the proposed zone is for PDZ, non-residential. He said the proposed project is an annexation of 3,107.1 acres with a plan for future rail road spur adjust to Fort Cason and associated railroad oriented heavy and light industrial and commercial uses. Mr. Sevigny explained the Colorado Revised Statute 31-12-104 (a) regarding Flagpole Annexations and 31-12-105 3-mile buffer. He said the application does comply with PlanCOS. Kevin Walker, City Planning Director explained the fiscal impact analysis of the Southern Colorado Rail Park Annexation. Mr. Walker said they are working with Tischler Bise, a nationally recognized fiscal consultant is and has done a number of these with the City of Colorado Springs. Mr. Walker said a draft report has been done, and they are in the final stages of finalizing the report. Mr. Walker said they have been analyzing this for about 30 days and the net conclusion is over a 20-year period there will be about a six-million-dollar positive net impact for the City. Mr. Walker presented charts on income and timeline of the project.

Chair Slattery said they typically see a 10-year outline for fiscal impact and asked if that has been done. Mr. Walker said no it is an item missing in the draft and they have asked to have that added.

Commissioner Cecil asked Mr. Walker to explain the statement reading from a

capital impacts perspective, public safety impact fee revenue is insufficient to cover the cost for public safety capital needs. Mr. Walker said there is a fee that everyone pays throughout the City that goes to capital construction. He said in this case industrial does not usually pay much of a fee and this is a project that is well beyond 20 years in terms of its absorption. He said in the first 20 years that fee does not generate enough capital for the capital investment, especially in fire. Mr. Walker said the homes and the commercial activity that is generated by this economic impact will also pay these fees and that has not been factored in because that is not how we do fiscal impact analysis.

Chair Slattery said Mr. Walker mentioned homes and asked if this was a non-residential application. Mr. Walker said This particular project will have no homes, but it will generate employment and home sales, et cetera, for future residents that we would not have in our community if they do not have this kind of project.

Mr. Sevigny continued his presentation and said the report shows high-level hypothetical office space being one that could drive a generate more CDI fees. Agency review as done and a member of the Colorado Springs Fire Department can speak to their memo. He said five acres will be provided by the developer to the City for a future fire station. Mr. Sevigny said he received a statement from Deputy Chief Rosenoff, Colorado Springs Police department stating because the development is commercial, they do not anticipate an increase for calls of service and any calls they might receive would likely be priority crimes and cold calls for service that could be handled by community service officers over the phone or even online. Mr. Sevigny said CSU does not have any outstanding comments. Traffic Engineering stated all proposed public roads, improvements, including future rights of way and traffic control devices will be determined when reviewing the master traffic impact study. Staff finds the proposed annexation does meet the eligibility requirements, however, determination of compliance with conditions of annexation as set forth in City code is at the discretion of City Council. Mr. Sevigny said the land use plan meets the review criteria.

Brian English, Development Projects Manager, Colorado Springs Utilities provided a high level for service overview focusing on the conditions and requirements for annexation pursuant to City code that are applicable to utilities purview. Mr. English said that as of this week, they have updated and are using a new existing usage figure, whereas previously they were working with the period from 2019 through 2023 for a five-year rolling average that has been updated to reflect the period from 2020 to 2024. He said the previous usage what around 69,800-acre feet a year and it has increased to 70,325-acre feet a year, which is primarily due to weather conditions. Mr. English said the

minimum water supply requirement or the amount of water resources that CSU per the code must preserve, essentially for existing a city limits and customers is just a little over 90,000-acre feet a year. Mr. English said based on petitioned annexations and active annexations relative to the available water surplus represents 1,427-acre feet a year which is beyond the 34,000 acre feet a year that CSU will have to develop to meet the projected demands of the City at full build out. Mr. English said from an electric perspective the property is located entirely in City of Fountain electric service territory and currently provides electric service to properties for aggregate mining operations. He said the applicant has requested that CSU consider ongoing provision of City of Fountain services and said if the property is annexed, they would propose negotiating an interim wholesale service agreement with the City of Fountain so that the applicant and the mining operation would be a direct customer of Colorado Springs Utilities. If the property is annexed and incorporated into CSU's electric service territory, the City of Fountain would be entitled to just compensation in accordance with Colorado Revised Statutes, which would be considered an applicant cost and captured in the annexation agreement. Mr. English continued his presentation on the requirements of annexation and showed example of the water service delivery methods, wastewater, natural gas and electrical services. Mr. English said CSU remains committed that if the property is annexed, they would work with the applicant once potential users are firmed up to figure out how to best serve the property.

Commissioner Questions

Vice Chair Foos asked if the existing wells are owned by CSU and what aquifers do they go into. Mr. English said yes they are owned by CSU but does not know what aquifers they go into. He said they have an existing surplus water use agreement with the applicant for the mining aggregate operations and if the properties were annexed, they would have to change the nature and the structure to implement the new Water Service agreement associated. Vice Chair Foos asked if the water that feeds Ray Nixon is owned by CSU. Mr. English said they have wells that do provide water for the cooling units at the Nixon Power Plant and then the facilities themselves receive water supply from other sources.

Commissioner Hensler said it seems like a lot of unknowns or uncertainties and a lot of complexity to get the services there and asked if there are concerns about that process. Mr. English said there are a lot of caveats and can understand the Commission's concerns. He said part of it is a timing in time issue and it is certainly a complex annexation based on the location relative to the existing infrastructure and integrated utility systems. Mr. English said CSU remains committed to working with the applicant and is confident that there are appropriate solutions and options for serving the customer. Commissioner Hensler asked if Ray Nixon Power Plant was currently in City boundaries. Mr.

English said no, it is an unincorporated El Paso County right now. Commissioner Hensler said there are lines of service that feed out for power. Mr. English said yes.

Commissioner Rickett said it does seem that CSU will set up an agreement with the City of Fountain because they have capacity and if they exceed that capacity CSU will work together to expand it. Commissioner Rickett said in the presentation, it looked like there is a lift station from the southern end of the property on the proposed annexation going north to our wastewater and asked if there are two options. Mr. English said any proposed wholesale wastewater service agreement would be with the Fountain Sanitation District rather than the City of Fountain. He said CSU is trying to illustrate that depending on the service type, there are several options or alternatives for successfully serving the property. Mr. English said they would ask the owner to cover all cost associated with treatment capacity through any agreement with Fountain sanitation that conveys flows to and lower Fountain or Fountain sanitation treatment facility. Commissioner Rickett asked if there is a treatment facility south of this property. Mr. English said he is aware of two owned and operated by the Fountain sanitation district and they are identified on the exhibit. He said it is his understanding that they are planning to decommission the Richard Christian facility at some point in the future, but does not have a specific date, but it would entail rerouting flows that were previously sent to untreated at the Christian facility to the Herald B. Thomson facility. Commissioner Rickett asked what the percentage of Colorado Springs water usage for irrigation is. Mr. English said to his knowledge, it is usually about 50% of average customer's water usage is dedicated to specific to outdoor irrigation. Commissioner Rickett said it could go up to 68%. Commissioner Rickett said on the developer side on the annexation CSU noted 1281-acre feet per year and asked if that includes irrigation or just domestic water for the industries in the annexed area. Mr. English said it is specific to the land use and the type of industry, and they could refine the estimate if they had a specific site or land use plan that showed the acreage or amount of land that was going to be irrigated. Commissioner Rickett asked if there is any irrigation on the report. Mr. English said yes. Commissioner Rickett said 7 million square feet seems low for 135 million feet available to build on and asked if this is an area conducive to not having irrigation and making this greener, saving Colorado Springs more water based on a development that does not use irrigation.

Commissioner Casey said throughout 2024, this project was supposed to be annexed by the City of Fountain and the reason cited by newspaper articles had to do with the availability of water rights and not being able to get enough water. Commissioner Casey asked if they foresee any issues with providing water supply for this project. Mr. English said not at this time based on the land use provided. He said there could be a high degree of variability in the types of

users, especially in the heavy industrial manufacturing that may have special process water that could certainly increase the projected demand and require water supply requirements beyond 1,281 acres. Mr. English said they are making assumptions based on historical data that they have collected over many years using, actual meter reads from our system to best refine and come up with a reasonable number. Mr. English said within the annexation agreement itself, if there is any industrial user that has special process, water, first and foremost from utilities perspective, if there water demands or waste proposed wastewater discharges were to exceed 1 million gallons per day CSU would require that they design, construct and implement a recirculation system. Mr. English they want to be mindful of the biology that they have at their existing facilities and if they are sending large volumes of industrial water that have certain constituents in it, it is a concern and something they need to be aware of.

Applicant Presentation

Andrea Barlow, NES, presented their application for the project. Ms. Barlow said they are going to provide background, detail and a time frame for what is being proposed. Ms. Barlow provided an image of the site location which is over 3,100 acres with six parcels and four different ownerships. Ms. Barlow said the genesis of the project was from El Paso County asking how they can create jobs. She said as a result of that, the property was identified as having potential to be a major employment generator. A memorandum of understanding was signed in 2018 with the County, City Fountain, City of Colorado Springs, Chamber of Commerce and EDC and the owner. Ms. Barlow said they have regular quarterly meetings of an oversight committee that have had staff and elected officials of the organizations involved in the discussions around the project since 2018. She said a feasibility study was completed in 2019 and then an EDA grant was issued to do a report, which further verified that this is a viable location for a project of this nature. Ms. Barlow said there was a trackage agreement with the city of Colorado Springs, which was approved and recorded in 2023. Ms. Barlow said they obtained a sketch plan approval through El Paso County in June 2024 which enabled the creation of a title 32 district. She said there is a Metropolitan District now in place which provides the financing structure for the developments and sets out requirements for long-term maintenance and security of the property which was approved in October 2024 and the district elections are in May 2025. Ms. Barlow spoke in detail about the land use and zone that has been submitted. She said there is a lot of infrastructure that needs to be put on the site including a rail line, road infrastructure and utilities over a 20-year period and at this point they do not have uses in mind. Ms. Barlow said the PDZ gives them maximum flexibility and encompasses the whole property, and they are anticipating primary heavy and some light industrial uses with a maximum height of 120 feet. Ms. Barlow showed a slide of the land use plan. She said there was a specific request

from Fort Carson to allow commercial use by gate 19 and they will accommodate that. She said they are proposing a new interchange on I-25. Ms. Barlow explained the rail loop and connections and showed the potential uses of the area. She provided a land use matrix to show the square footage and number of employees. Ms. Barlow said they are hoping to have every aspect of the design completed by the end of this year. She presented the phasing plan of the construction area. Ms. Barlow asked Steve Mullikin to speak on the project benefits.

Steve Mullikin, Attorney representing the Edward C. Levy Company. Mr. Mullikin said they have been working on the project for a while and it will have positive impact on our entire region, especially in Colorado Spring. He said this project started as a public private partnership and they have proceeded that way under a memorandum of understanding as a public private partnership. Mr. Mullikin said Colorado Springs is growing at fast pace, and new jobs need to be created. He said they have lost 50% of manufacturing jobs in Colorado Springs in the last 20 years. He said this is a mega site and is ideal for large-scale manufacturing. Mr. Milliken explained how the area has a perfect workforce with exiting military personnel. He spoke about Fort Carsons current rail operation and this project will extend the line to Fort Carson.

Tatiana Bailey PhD, Data Driven Economic Strategies, said there are great possibilities with manufacturing and did some work for the Colorado Advanced Manufacturers Association back in 2015 and 2016 and learned a lot about the manufacturing industry. Ms. Bailey shared various slides showing percentages for GDP attributable to manufacturing, total employment in manufacturing, wages and increasing opportunities for U.S manufacturing.

Mr. Mullikin said the chart presented shows the requirements that they have to meet and there are only two in discussion. He said the first question is, is this a logical extension of the city boundary. Mr. Mullikin said yes, this will get manufacturing back to the area. The other question is whether it is beneficial and that was spoken about already. He said utilities are a challenge everywhere, but they have great faith in CSU.

Public Comment

NONE

Commissioner Comments

Commissioner Hensler said she recognizes the long-term economic opportunities and this fits in line. Commissioner Hensler said they have seen quite a few annexations, and they have received pushback on these flagpole situations. Commissioner Hensler asked if this creates an opportunity to pull Ray Nixon Power Plant into city limits, create an easement along I-25 or to

create further opportunity to the south and potentially extending to the east in a long-range plan. Mr. Sevigny said yes it would provide eligibility for other properties because they would then be able to seek out continuity for the east and the southern portions of it. Mr. Sevigny said it would be highly unlikely to annex Fort Carson but anything that would gain continuity from the south and eastern portions could be eligible. Commissioner Hensler said there is some future potential and can see the economic impact and abilities.

Commissioner Casey said this project has been around since 2018, but it is not mentioned anywhere in PlanCOS nor was it talked about in the AnnexCOS draft. Commissioner Casey said his concern is setting a precedence for moving outside the area and asked what will keep properties south of the area from continuing to request annexation down to the Pueblo County line. Mr. Sevigny said most of the initial applications were in El Paso County and Fountain which did not involve City staff until recently when these discussions actually unfolded. Mr. Sevigny said the mythology behind AnnexCOS is they will be updating the data that goes into it and the overlays of interest. Mr. Sevigny said the areas of influence could go, but they would have to follow the same process for that logical extension.

Mr. Walker said the AnnexCOS process will kick off again and they will be doing some analysis in terms of the 3-mile buffer from this particular site. Mr. Walker said this is a one-off annexation and that it is very unique to the state of Colorado.

Commissioner Rickett said fire was addressed that there will be fire station on this site but public safety police the lead time to get an officer on that site was big. Commissioner Rickett asked if there will be hiring private security to maintain security in the annexation paid for through the Metro District.

Mr. Milliken said it is a possibility and said they are bordered by Ray Nixon Power Plant side on one side by secured Fort Carson on 3 sides and if they conceal their side it will be a very secure site and likely as it develops, there will probably be some sort of private security be based on user needs. Commissioner Rickett said in manufacturing locations, theft of open spaces is pretty big. Commissioner Rickett asked why a 7 million square-foot limit on structures in total when based on the charts it looks like 106 million square feet and land is available and is looking at this as a 40 year build out and there is more opportunity there. Mr. Milliken said they were required by the process to have a cap on it and took past demands for rail served property that could not be met, and the EDC had recorded in projected growth based on that. He said they may be back in the future asking for more. Commissioner Rickett asked if there is an opportunity to make this a no irrigation site. Mr. Milliken said they are very water sensitive and would anticipate there might be uses that comes to

them and they say no, because year your water hog. He said they do not anticipate much irritation.

Mr. Sevigny said reason why there is 7 million square footage is because the building size in the UDC requires for any PDZ. He said for landscape, they can add a note that says staff is willing to support alternative landscaping designs, which is already permitted within the code. Commissioner Rickett said he understands, but the fact that there is 106 million square feet of buildable land, and half the land is not supported by rail and therefore they can provide more building space. Mr. Sevigny said staff would support that and would leave that up to the applicant.

Chair Slattery asked what the build time is for the utility extensions. Chair Slattery also said therea couple of single-family homes that tie into the enclaves within the zone and asked if there have been conversations had with those owners and what the outcome was. Mr. English said the applicant has shown the projected schedule with the rail spur being the initial phase and then looking to 2030 and beyond for starting some of the commercial and light-industrials. He said any and all the extensions, water, wastewater, natural gas and electric, per a recently approved changing the tariffs, utilities, rules and regulations it is now 100% developer cost for the natural gas and electric extensions, including any high-pressure gas mains. He said they want to take a hard look at that and make sure that it is equitable in terms of the cost participation or costs responsibility of the applicant relative to how that enhances the overall system in their core service area. Mr. English said he cannot answer with 100% certainty because there are a lot of unknown variables, but they believe through the annexation agreement they have assigned a lot of the cost responsibility to the applicant.

Commissioner Rickett asked if they are still using first- come, first-served as annexed areas get developed. Mr. English said yes and right now the property is outside city limits so the do not have an obligation to serve. Once it is annexed unincorporated, they have an obligation to serve, but it is on a first-come, first-serve basis. Mr. English said he confirmed 50% on the irrigation on the projected water demand and it is more incidental for irrigation, and they are focused on the industrial demand. Mr. English said the wells are sourced by the Alluvial Aquifer and connected to Fountain Creek. Mr. English said from utility perspective, they want customers to leverage available conservation resources and educational tools through our conservation center. From the cost benefit perspective, depending on the water demands, if there is a large industrial water demand, it is going to cost a significant amount of development charges and water resources fees. Commissioner Rickett commended CSU for the education on conservation over the last 20 years as there has not been a large uptick in water usage.

Chair Slattery asked if the amount of water in aquifers and wells had been analyzed. Mr. English said no, it would be part of our ongoing or further analysis if it is annexed it might be a potential source for providing some or all of the water supply to the area. He said it would be dependent on the demand and the available yield of those wells.

Ms. Barlow said the plan was not adopted in PlanCOS, but it was addressed in the El Paso County Master Plan and was identified as an employment center with potential for a major manufacturing with the rail spur. Commissioner Casey said wondering because it seemed that it was going to be a Fountain annexation and not a Colorado Springs Annexation. Ms. Barlow said it initially was considered a Fountain annexation and for multiple reasons it was not done.

Mr. Millikin said there are four parcels totaling 40 acres out of a 3,100-acre site and they been in communication with all of them and they have planned around them. Commissioner Casey is they were apart of the Metro District. Mr. Millikin said no, there were excluded.

Mr. Walker asked Mr. Millikin what the uses are on the parcels. One is being used as an illegal camping ground. They are all illegal subdivisions, and they were not platted. Two of them are vacant and one has a house that look like it is probably not habitable.

Commissioner Rickett said he is in support of this and it is needed an well thought out.

Vice Chair Foos said he is excited that this is an annexation that will create jobs and it provides a lot of opportunity for people to come here and buy house. Vice Chair Foos said his only concern is utilities, but he trusts CSU to have it figured out.

Commissioner Hensler said she is in favor and the economic impact is tremendous.

Commissioner Casey said he is in support of the project.

Commissioner Robbins said he is in support of the project.

Commissioner Sipilovic said he is in support of the project.

Commissioner Cecil said she continues to have concerns about growth in general and how it is being done and whether it can be sustained repeatedly. Commissioner Cecil said she wonders if they need to consider right-sizing the

fees again or something else that will make it more feasible for public safety agencies to be able to support the needs of the additional annexations. Commissioner Cecil said she will be voting to recommend approval.

Commissioner Gigiano said she will be recommending approval.

Chair Slattery said they have seen a lot of annexations recently and has concerns about how fast this one appeared before this body and council and hopes they are able to complete some of the financial analysis that are typically required within annexations. Chair Slattery said she is in support of the project.

Motion by Commissioner Rickett, seconded by Commissioner Sipilovic, to Recommend approval to City Council the annexation of 3,107.11 acres known as the Southern Colorado Rail Park Addition No. 1 Annexation based upon the findings that the annexation complies with the Conditions for Annexation, as set forth in City Code Section 7.5.701.

The motion passed by a vote of 9:0:0:0

Aye: 9 - Vice Chair Foos, Commissioner Hensler, Commissioner Cecil, Commissioner Rickett, Chair Slattery, Commissioner Robbins, Commissioner Sipilovic, Commissioner Casey and Commissioner Gigiano

- 8.F. [PDZZ-24-0005](#) An Ordinance amending the zoning map of the City of Colorado Springs relating to 3,107.11 acres located south and west of the Highway 25 and South Santa Fe intersection, adjacent to Fort Carson, establishing the PDZ (Planned Development Zone; Non-Residential; maximum square footage of 7,000,000 square feet; maximum building height of 120 feet) District (Legislative)

Related Files: ANEX-24-0013, PDZL-24-0006, ANEX-24-0013RF

Not currently located within a Council District, however, if approved it would be anticipated to be within Council District 3.

Presenter:

Gabe Sevigny, Planning Supervisor, City Planning Department

Attachments: [Zoning Ordinance-SCRP](#)

[Exhibit A - Legal Description](#)

[Exhibit B - Map Depiction](#)

[7.5.704 ZONING MAP AMENDMENT \(REZONING\)](#)

Motion by Commissioner Casey, seconded by Commissioner Robbins, to Recommend approval to City Council the zone establishment of 3,107.11 acres as PDZ (Planned Development Zone; Non-Residential; maximum square footage of 7,000,000 square feet; maximum building height of 120 feet) District based upon the findings that the request complies with the criteria for zoning establishment as set forth in City Code Section 7.5.704. The motion passed by

a vote of 9:0:0:0

Aye: 9 - Vice Chair Foos, Commissioner Hensler, Commissioner Cecil, Commissioner Rickett, Chair Slattery, Commissioner Robbins, Commissioner Sipilovic, Commissioner Casey and Commissioner Gigiano

- 8.G.** [PDZL-24-0006](#) Establishment of the Southern Colorado Rail Park Land Use Plan for proposed Civic, Public, Institutional, Commercial, Light and Heavy Industrial, Existing Mining Operations, Ballistic, Military, Aerospace, Rail Spur, and Streets/Utility Rights-of-Way consisting of 3,107.11 acres located south and west of Highway 25 and South Santa Fe intersection, adjacent to Fort Carson.
(Legislative)

Presenter:

Gabe Sevigny, Planning Supervisor, City Planning Department

Related Files: ANEX-24-0013, PDZZ-24-0005, ANEX-24-0013RF

Not currently located within a Council District, however, if approved it would be anticipated to be within Council District 3.

Presenter:

Gabe Sevigny, Planning Supervisor, City Planning Department

Attachments: [SCRP - Land Use Plan](#)
[7.5.514 LAND USE PLAN](#)

Motion by Commissioner Robbins, seconded by Commissioner Sipilovic, to Recommend approval to City Council the Southern Colorado Rail Park Land Use Plan based upon the findings that the proposal complies with the review criteria for Land Use Plans as set forth in City Code Section 7.5.514.

The motion passed by a vote of 9:0:0:0

Aye: 9 - Vice Chair Foos, Commissioner Hensler, Commissioner Cecil, Commissioner Rickett, Chair Slattery, Commissioner Robbins, Commissioner Sipilovic, Commissioner Casey and Commissioner Gigiano

9. Presentations

10. Adjourn